

The position of persons concerned within land-use planning and building procedure

The purpose of my thesis is to analyse issue of the status of concerned persons within the planning and building processes regulated by the Act on Planning and Building Regulations (Building Act No. 183/2006 Coll.) and provide a basic overview in a defined area. In doing so, it aims to take into account the widest possible range of instruments which in total and mutual relations determine the content of fundamental rights of particular groups of persons during these procedures as well as following these procedures and so to involve the instruments of direct defense whose purpose is systematic enforcement of these rights and legitimate interests in planning processes and enforcement of these rights and interests against specific objectives throughout the planning and building processes as well as to treatise on accompanying mandatory procedures whose purpose is to ensure the effectiveness of application of the instruments of direct defense, especially through application of mandatory procedures to inform concerned persons.

The reason for my research is considerable practical value attaching to the arrangement and explanation of the topic especially in relation to the definition of group of persons to whom such legal instruments are primarily intended, definition of specific content of rights and effects associated with them as well as defining of systematic position of mentioned instruments in the broader context and continuity within relevant planning and building processes. The argument for choice of the topic of thesis was also timeliness associated with changes of the Building Act brought by the Act No. 350/2012 Coll. (as the amendment to the Building Act) and motivation to provide an overview of the changes that have been introduced into the Building Act and to outline impact of these changes on the status of persons.

The thesis is composed of three chapters, each of them dealing with different aspects of the status of concerned persons.

Chapter One is introductory and deals with general questions.

The Chapter is subdivided into seven parts. Part One describes relation of the Building Act and the Administrative Procedure Act. Part Two explains concept of „planning documentation“. Part Three outlines basic aspects of delivery. Part Four describes process and

meaning of „public hearing”. Part Five explains meaning and action of „the representative of public”. Part Six contains orderly enumeration of measures of defense along with individual detailed characteristics. Part seven clarifies general issue of neighborhood and contact.

Chapter Two contains basic characteristics and essential outline of flow of particular planning processes with regard to specifics in relation to the status of concerned persons. It also includes a list of major amendments introduced by Law No. 350/2012 Coll. .

The Chapter is subdivided into two parts. Part One involves abstract-concrete planning processes. Part Two contains individual planning processes.

Chapter Three discusses specific status of concerned persons during outlined flow of particular building processes and basic characteristics of these processes. It includes a list of major amendments introduced by Law No. 350/2012 Coll. as well.

The Chapter is subdivided into four parts, each of them concentrating on particular building process.

Main conclusion is drawn in the part „Conclusion”. I suggest that the status of concerned persons is affected by an array of specific instruments whose real impact is to be assessed with regard to the arrangement and interconnection into a complete system. Adopted amendments to the Building Act have yet significant influence on legal effect of this system, including the status of concerned persons across legislation of planning and building processes.